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EASTERN TRANSP. CO. *v.* JOHNSON.

March 11, 1915.

[84 S. E. 649.]

1. Master and Servant (§ 258*)—Injuries to Servant—Declaration—Sufficiency.—The declaration averred that plaintiff, before putting on his diving suit, requested those standing by on the tug, including the master and engineer, to make the engine secure, so that he could safely remove a hawser caught in the propeller; that to disentangle the propeller without having the engine blocked would be dangerous, but that, notwithstanding this knowledge and request, defendant failed to block the engine, although assuring plaintiff it had been done. Held, that the complaint charged the negligence of the defendant owner of the vessel.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 816-836; Dec. Dig. § 258.* 9 Va.-W. Va. Enc. Dig. 718; 14 Va.-W. Va. Enc. Dig. 697; 15 Va.-W. Va. Enc. Dig. 657.]

2. Master and Servant (§§ 101, 102*)—Injuries to Servant—Duty of Care.—A master is bound only to use ordinary care to provide reasonably safe tools and appliances; the standard of ordinary care being ascertainable by the general usages of the business.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 135, 171, 174, 178-184, 192; Dec. Dig. §§ 101, 102.* 9 Va.-W. Va. Enc. Dig. 689; 14 Va.-W. Va. Enc. Dig. 689.]

Error to Circuit Court of City of Norfolk.

Action by John A. Johnson against the Eastern Transportation Company. There was a judgment for plaintiff, and defendant brings error. Reversed.

John W. Oast, Jr., of Norfolk, and *Robert Biggs*, of Baltimore, Md., for plaintiff in error.

Riddleberger & Roper, of Norfolk, for defendant in error.

SAUNDERS *v.* SOUTHERN RY. CO.

March 11, 1915.

[84 S. E. 650.]

1. Appeal and Error (§ 1002*)—Review—Verdict.—Where the evidence was such that reasonable men might differ, the verdict is conclusive.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 3935-3937; Dec. Dig. § 1002.* 4 Va.-W. Va. Enc. Dig. 534; 14 Va.-W. Va. Enc. Dig. 332.]

2. Trial (§ 154*)—Demurrer to Evidence—Specification of Errors.—Under Acts 1912, c. 42, providing that in all suits or motions, when

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.